

Notice of Allowability

Application No.

10/733,252

Examiner

Roy M. Punnoose

Applicant(s)

ZETTLER, JORG-THOMAS

Art Unit

2886

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 03/26/2007.
2. ☒ The allowed claim(s) is/are 2,4-13,16 and 18-21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 03/26/2007 is acknowledged and has been entered into the records. The applicant has amended claims 4-6, 8, 10-11, 13, and 18-21, and cancelled claims 1, 3, 14-15 and 17. Currently, claims 2, 4-13, 16 and 18-21 are pending in the application.

Allowable Subject Matter

2. Claims 2, 4-13, 16 and 18-21 are allowable.
3. Claim 13 is allowable because, prior art of record taken alone or in combination, fails to disclose or render obvious an apparatus for the determination of characteristic layer parameters of a sample comprising, means for compensation of wobbling and the rotating of the sample including a spherical mirror for reflecting light from the sample to the spectral-optical system wherein the sample is located in the centre of the curvature of the spherical mirror, in combination with the rest of the limitations of claim 1.
4. Claims 16 and 18 are allowable because they are dependent on independent claim 13, and they include all the allowable limitations of the parent claim(s).
5. Claim 19 is allowable because, prior art of record taken alone or in combination, fails to disclose or render obvious a method for the determination of characteristic layer parameters comprising the step in which during the determination of characteristic layer parameters, the wobbling and rotating of a sample is compensated by a lens, a beam splitter and an aperture, in combination with the rest of the limitations of claim 19.

Art Unit: 2886

6. Claims 2, 10, 11 and 12 are allowable because they are dependent on independent claim 19, and they include all the allowable limitations of the parent claim.

7. Claim 20 is allowable because, prior art of record taken alone or in combination, fails to disclose or render obvious a method for the determination of characteristic layer parameters comprising the step in which an optical path of the emitted thermal radiation to the at least one emissivity-corrected pyrometer and an optical path of the spectral-optical system being separated from each other, in combination with the rest of the limitations of claim 20.

8. Claims 8 and 9 are allowable because they are dependent on independent claim 20, and they include all the allowable limitations of the parent claim.

9. Claim 21 is allowable because, prior art of record taken alone or in combination, fails to disclose or render obvious a method for the determination of characteristic layer parameters comprising the step of separating reflected light for the spectral-optical measurement and emitted thermal radiation for the spectral-optical measurement by blanking the irradiated light, in combination with the rest of the limitations of claim 21.

10. Claims 4-7 are allowable because they are dependent on independent claim 21 or an intermediate claim, and they include all the allowable limitations of the parent claim(s).

11. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2886

Contact/Status Information

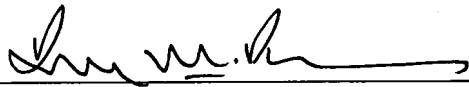
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Roy M. Punnoose** whose telephone number is **571-272-2427**.

The examiner can normally be reached on 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tarifur Chowdhury** can be reached on **571-272-2287**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 29, 2007


Roy M. Punnoose
Patent Examiner
Art Unit 2886